

Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROMAN KHOMLYAK,

Petitioner,

v.

JANET NAPOLITANO, ET AL,

Respondents.

NO. 13-61-RAJ

ORDER ON STIPULATED MOTION

I. Stipulation

The parties have conferred and reached a settlement of this matter, upon the following conditions:

1. Petitioner Roman Khomlyak will attend a biometrics capture appointment with United States Citizenship and Immigration Services ("USCIS"), to be scheduled by USCIS within 21 days of the entry of a remand order.
2. USCIS will complete all necessary background checks on the Petitioner within 21 days of Mr. Khomlyak's attendance at the biometrics appointment.

3. Provided that there are no additional arrests or convictions, other than those already disclosed by Mr. Khomlyak on his N-400 form and in the N-400 interview, USCIS agrees to grant Mr. Khomlyak's N-400 and schedule an oath ceremony within 14 days of the approval.

4. Both parties agree to bear their own costs and fees, except as provided in paragraph 5.

5. In the event of a material breach of this settlement agreement, this Court retains jurisdiction and paragraph 4 does not apply.

Dated this 24th day of April, 2013.

/s/ Devin T. Theriot-Orr
Devin T. Theriot-Orr, WSBA #33995
Gibbs Houston Pauw
1000 Second Avenue, Suite 1600
Seattle, WA 98104-1003
(206) 682-1080, devin@ghp-law.net

Counsel for Petitioner

STUART F. DELERY
Acting Assistant Attorney General
Civil Division

COLIN A. KISOR
Deputy Director
District Court Section

J. MAX WEINTRAUB
Senior Litigation Counsel

/s/ Anna Nelson
Anna Nelson
U.S. Department of Justice
Civil Division
Office of Immigration Litigation
P.O. Box 868, Ben Franklin Station
Washington, D.C. 20044
(202)532-4402, Anna.Nelson@usdoj.gov

Counsel for Respondents

II. ORDER

Having reviewed the parties' stipulation, the court GRANTS their joint motion. Dkt. # 11. Although the parties request a "remand" to United States Citizenship and Immigration Services, they do not request that the court dismiss this action. Accordingly, the court directs the clerk to STAY this matter pending notification from Petitioner that he has either been naturalized or that the parties failed to execute their settlement agreement. The stay does not impact the parties' execution of their settlement.

Pursuant to the stipulation and agreement of the parties and for good cause shown, this court directs the parties to adhere to the following instructions: (1) USCIS shall schedule, and Petitioner shall attend, a biometrics appointment within 21 days of the entry of a remand order, (2) USCIS shall complete the necessary background checks within 21 days of the biometrics appointment, and, subject to paragraph 3 above, (3) USCIS shall approve the application for naturalization and schedule an oath ceremony within 14 days of the approval. This Court retains jurisdiction over any dispute regarding the implementation of this Agreement. Parties are directed to notify the Court of their compliance with this Order within 14 days of the Petitioner's oath ceremony

Dated this 26th day of April, 2013.



The Honorable Richard A. Jones
United States District Court Judge